

# ESEA/NCLB REAUTHORIZATION

UPDATE: MARCH 14, 2002

## LEGISLATION

The text of the No Child Left Behind Act of 2001 can be found at the following address:

<http://www.ed.gov/nclb>

Additional summaries developed by other organizations:

The Education Commission of the States: "No State Left Behind: The Challenges and Opportunities of ESEA 2001"

<http://www.ecs.org/clearinghouse/32/37/3237.doc>

The Learning First Alliance: "Major Changes to ESEA in the No Child Left Behind Act"

<http://www.learningfirst.org/pdfs/nochildleft.pdf>

"No Child Left Behind Act: What Will It Take?"

<http://www.edexcellence.net/NCLBconference/NCLBconferenceindex.html>

## PROGRAMMATIC ISSUES (New to No Child Left Behind Act)

### Title 1-A, Basic Programs Operated by LEAs

#### Qualifications for Teachers and Paraprofessionals

##### TEACHERS:

- Requires LEAs to ensure that all Title I teachers hired after the first day of the first school year following the date of enactment are "highly qualified," which for new teachers means certified by the State (including alternative routes to State certification), holding at least a bachelor's degree, and passing a rigorous State test on subject knowledge and teaching skills (definition is in Title IX General Provisions).
- Requires States to develop plans with annual measurable objectives that will ensure that all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year. States and LEAs must report annually, beginning with the 2002-03 school year, on progress toward this goal.

(Reference: P. L. 107-110 No Child Left Behind Act of 2001, Title I Part A, Subpart 1, Basic Program Requirements, Section 1119. Qualifications for Teachers and Paraprofessionals)

##### PARAPROFESSIONALS:

- Strengthen paraprofessional requirements to include two years of postsecondary education or, for an applicant with a high school diploma, the demonstration of necessary skills on a

“formal State or local academic assessment.” All new hires must meet these requirements, and existing paraprofessionals have 4 years to comply with them. (Effective January 9, 2002)

- Specifies permitted paraprofessional duties and emphasizes that paraprofessionals “may not provide any instructional services” except under the direct supervision of a teacher.
- Requires principals to “attest annually in writing” that their schools are in compliance with the teacher and paraprofessional qualification requirements in section 1119.

**Effective January 9, 2002**, the date after the enactment of No Child Left Behind Act (P.L. 107-110), school divisions that hire paraprofessionals to work in the Title I program must ensure that those persons meet the new requirements of the Title I law at the time of hiring. Because this requirement is in the statute and is specified for immediate implementation, the U.S. Department of Education **will not grant a waiver**.

Paraprofessionals under No Child Left Behind Act are required to have:

1. completed at least 2 years of study at an institution of higher education;
2. obtained an associate’s (or higher) degree; or
3. \*met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment
  - a. knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
  - b. knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

\*Clarification: The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of #3 above.

### **Exceptions to the Requirements**

The requirements above **do not apply** to paraprofessionals who...

1. are proficient in English and a language other than English and who provide services primarily as a translator to enhance the participation of children in Title I programs; or
2. have duties that relate solely to conducting parental involvement activities consistent with Section 1118: Parental Involvement.

### **Existing Paraprofessionals**

All paraprofessionals hired **prior to January 9, 2002**, and who are working in a Title I program, **must** meet the requirements of No Child Left Behind Act not later than **4 years after the date of enactment** of the law (January 8, 2002) to satisfy the requirements.

### **Paraprofessionals Hired On/After January 9, 2002**

If paraprofessionals were hired on or after January 9, 2002, and do not meet the requirements of No Child Left Behind Act, they **may not work** in direct contact with children in the provision of supplemental educational services designed to assist them in achieving the State’s high standards. These paraprofessionals would be able to assume

only the duties that are asterisked (\*) below in the duties that paraprofessionals may be assigned.

These paraprofessionals should be put on the “professional development” track immediately so that they will be able to acquire the credentials described above.

### **Duties That May Be Assigned to Paraprofessionals**

Paraprofessionals who were hired **on/after January 9, 2002**, and who meet the requirements of No Child Left Behind Act may be assigned duties as described below in Items 1-6. The duties asterisked (\*4, \*5, \*6) are the **only duties** that may be assumed by paraprofessionals (**hired after January 9, 2002**) who do not meet the requirements. The duties follow:

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
2. Provide assistance in a computer laboratory;
3. Provide support in a library or media center;
4. \*Conduct parental involvement activities;
5. \*Assist with classroom management, such as organizing instructional and other materials; or
6. \*Act as a translator.

### **Limitations**

Limitations that are placed on the duties that paraprofessionals can perform are described below:

1. May not provide **any** instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with Section 1119: Qualifications for Teachers and Paraprofessionals; and
2. May assume **limited** duties that are assigned to similar personnel who are not working in a Title I program, including duties beyond classroom instruction or duties that do not benefit participating Title I children as long as the amount of time spent on such duties is the same proportion of total work time that prevails with respect to similar personnel at the same school.

(Reference: P. L. 107-110 No Child Left Behind Act of 2001, Title I Part A, Subpart 1, Basic Program Requirements, Section 1119. Qualifications for Teachers and Paraprofessionals)

## **Local Set-Asides**

### **PROFESSIONAL DEVELOPMENT:**

- LEAs must use between 5 and 10 percent, inclusive, of their Part A allocations for professional development aimed at ensuring that all teachers are highly qualified by the end of the 2005-2006 school year (the requirement changes to a simple 5 percent floor in 2004-2005). (Reference: No Child Left Behind Act, Title I, Part A, Subpart 1, Basic Program Requirements, Section 1119. Qualifications for Teachers and Paraprofessionals)

#### SCHOOL IMPROVEMENT AND/OR CORRECTIVE ACTIONS:

- Both LEAs and schools identified for improvement, for example, must use at least 10 percent of their allocations for professional development aimed at correcting the deficiencies that led to identification for improvement. LEAs with schools identified for improvement, corrective action, or restructuring may be required to use up to 20 percent of their Part A allocations to pay choice-related transportation costs and to provide supplemental educational services to students whose parents request them. (Reference: No Child Left Behind Act, Title I, Part A, Subpart 1, Basic Program Requirements, Section 1116. Academic Assessments and Local Educational Agency and School Improvement)

#### PARENTAL INVOLVEMENT:

- LEAs receiving more than \$500,000 in Title I funds must use one percent of the allocation for parental involvement activities. Ninety-five percent of the one percent must be used at the **school** level. (Reference: No Child Left Behind Act, Title I Part A, Subpart 1, Basic Program Requirements, Section 1118. Parental Involvement)

#### **FUNDING ISSUES**

Information regarding individual division allocations is tentative at this time. The Department of Education (DOE) will issue allocation figures in as timely a fashion as possible.

#### **ADMINISTRATIVE ISSUES**

- LEA Application forms for federal funding are being revised to reflect the new legislative requirements. These forms will be available on the DOE web page when they are completed.
- If you need to speak to an Office of Compensatory Programs specialist on a specific issue related to the new legislation, please refer to the contact list.
- Regional meetings will be held to provide division coordinators with information and guidance in submitting applications and understanding the new legislation. Information on dates and locations will be provided in the near future.

#### **TIMELINES**

- The State Consolidated Application will be presented for Virginia Board of Education approval at the April or May Board meeting.
- The State Consolidated Application is due at the U.S. Department of Education by May 28, 2002.

#### **TASKS TO BE COMPLETED**

- In order to receive notification that an update has been placed on the web page, you must provide a school-based email address. Personal email addresses are not acceptable. Please identify in the body of the email (1) your specific administrative responsibility for a Compensatory Education program (see list below) and (2) indicate all of the programs for which you are responsible. (The programs listed are those for which the Office of Compensatory Education in the Department of Education has administrative authority.)

Title I, Improving the Academic Achievement of the Disadvantaged  
Title IV-A, Safe and Drug-Free Schools and Communities

Title IV-B, 21<sup>st</sup> Century Community Learning Centers  
Title V-A, Innovative Programs  
Title V-B-1, Charter Schools Programs  
Title VI-B, Rural Education Initiative  
Title X-B, Homeless Education

Your email response, for example, would indicate:

“Title I, Improving the Academic Achievement of the Disadvantaged – Coordinator; Title V-A, Innovative Programs – Coordinator” etc. as applicable.

As Coordinators, you may receive multiple notifications that an update has been posted due to the number of programs for which you are responsible.

Please respond to <mailto:eseanclb@mail.vak12ed.edu> with the subject “ESEA/NCLB Update Notification.”

